REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application.

Claims 1–3, 8–10, 15–21, and 23–32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum (U.S. Patent No. 6,340,078) in view of Arellano et al. (U.S. Patent No. 6,694,482). For at least the following reasons, the Examiner's rejection is respectfully traversed.

None of the references disclose or suggest "calculating a correlation among information sets written in said extracted element indexes, and obtaining a set of element indexes from said extracted element indexes whose correlation satisfies an evaluation reference" as recited in claim 1. None of the references disclose or suggest, "calculation means for calculating a correlation among information sets written in said extracted element indexes, and for obtaining a set of element indexes from said extracted element indexes whose correlation satisfies an evaluation reference" as recited for claim 8. Arellano is cited as teaching these elements.

In Arellano, the User Agent *computes/detects trends and patterns* in the *user's interaction data,* the user's preferences, interests, etc., by constantly re-evaluating the importance of features and the values the features can hold to the user (col. 9, lines 1–53; col. 16, line 60, to col. 17, line 13). Thus, the User Agent is only responsible for analyzing and computing correlations with regard to the *user's preferences and interests*. The User Agent does not deal with *indexes of content elements* of the presentation.

Arellano does discloses a Story Agent that chooses the best set of *content elements* based on given application-specific criteria (col. 10, lines 4–10). Arellano use *filtering* to take a set of content elements and return a subset of the original inputs (col. 17, lines 14–51; Fig. 16). In

Arellano, a feature-based *filter* uses a feature to filter through a set of *content elements* to retrieve content elements that match the feature (col. 17, lines 51–65).

Since the filter only filters for *contents elements* that match the specified feature, the Arellano fails to teach that the filter is used with information written in *indexes* of the content elements. The Arellano filter is also only used to filter and not used to *calculate a correlation*. Therefore, Arellano does not calculate *a correlation* among information sets written in *indexes* of the content elements. Since Arellano does not calculate such a correlation, Arellano also does not *obtain a set of indexes* from the content element indexes whose correlation satisfies an evaluation reference. Thus, even if combined the references do not disclose or suggest all the elements of the claimed invention.

Furthermore, there is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Arellano with Mindrum to arrive at the claimed invention. To support a prima facie case of obviousness, the Examiner must show that there is some suggestion or motivation to modify the references. The mere fact that references can be combined or modified alone is not sufficient to establish prima facie obviousness. The prior art must also suggest the *desirability* of the combination. The fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient, by itself, to establish prima facie obviousness.

The Office Action first states that the Examiner does not find it unreasonable to modify Mindrum so as to render its presentation dynamically adaptable, providing Mindrum the benefit of dynamically updated a Life Story by automatically choosing the best appropriate material submitted by friends of the deceased (Office Action, 08/03/2005, page 7) . The Office Action also states that people's memories and feeling of a deceased person can change with the passage of time and the combined references would render a Life Story that would accommodated these

changes (Office Action, 08/03/2005, page 8). Thereby, the Office Action concludes that the motivation to combine Arellano with Mindrum emanates from the knowledge and life experience of one skilled in the art (Office Action, 08/03/2005) page 8.

When the Life Story in Mindrum is created, all the submitted photographs, documents, recording, etc., are first saved as a record for the person's Life Story (col. 9, line 45, to col. 11, line 37). Then, a worker uses a template to develop a Life Story based on the chosen format as indicated during the ordering, and the media presentation is created to provide to the end user, such presentation would contain the Life Story and other information (col. 11, lines 38–67). Although Mindrum does allow for updating of the Life Story information (col. 8, lines 1–5), this updating would be in the same manner as how the Life Story was initially created since Mindrum *does not teach or suggest* that the Life Story is updated in any other manner. Thus, even if people's memories and feeling of a deceased person change, Mindrum already allows for updating of the Life Story. Since Mindrum already allows for updating of the Life Story, there is no reason or motivation to provide Mindrum with dynamically updating a Life Story by automatically choosing the best appropriate material submitted by friends of the deceased.

Additionally, even if there was a motivation to dynamically update a Life Story by choosing material submitted by friends of the deceased, Arellano teaches away from this type of dynamic updating of submitted material. Arellano discloses a User Agent that *computes/detects trends and patterns* in the *user's interaction data,* the user's preferences, interests, etc., by constantly re-evaluating the importance of features and the values the features can hold to the user (col. 9, lines 1–53; col. 16, line 60, to col. 17, line 13). Thus, if Arellano was combined with Mindrum, the result would still only be to store the interaction data of a customer or family member who accesses the Life Story and then to have a User Agent that detects treads and pattern of the customer or family member.

Since there is no motivation to combine the references in order to teach each of the limitations of claims 1 and 8, a *prima facie* case of obviousness has not been made by the Office Action. Reconsideration and withdrawal of the rejection based upon the combination of references is respectfully requested.

With regards to claim 19, none of the references disclose or suggest "agitation means for performing, according to a pseudo physical rule, agitation simulation for said plurality of scenario element indexes, and for repeating said agitation simulation until a set of scenario element indexes is obtained from said plurality of scenario element indexes that match an evaluation reference for a predetermined condition setting for a scenario creation" as recited in claim 19. Similar language is found in claim 31.

Mindrum discloses a method of producing and presenting a Life Story of a person. In Mindrum, a customer or family member can access the Life Story, and then may select a given period of time on the slider live line bar, a photo from the photo screen listing, a item on the certificates and documents screen, an audio sample on the audio screen, a video recording on the video screen, etc. (col. 16, line 8, to col. 17, line 62). However, Mindrum does not disclose or suggest that the *indexes* of extracted items then undergo repeated agitation simulation, according to a pseudo physical rule, until a set of indexes is obtained that match an evaluation reference.
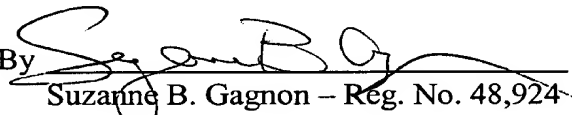
Arellano does not overcome the deficiencies of the Mindrum patent. Arellano discloses a Story Agent that chooses the best set of *content elements* based on given application-specific criteria (col. 10, lines 4–10). Arellano use *filtering* to take a set of content elements and return a subset of the original inputs (col. 17, lines 14–51; Fig. 16). In Arellano, a feature-based *filter* uses a feature to filter through a set of *content elements* to retrieve content elements that match the feature (col. 17, lines 51–65). Arellano fails to disclose or suggest that the indexes of the content elements undergo repeated agitation simulation, according to a pseudo physical rul, until

a set of indexes is obtained that match an evaluation reference. Therefore, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35880.

Respectfully submitted,

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